IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5650 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

JANAKPURI EDUCATION & CHARITABLE TRUST

Versus

UNNATI PRATHMIK SHALA

Appearance:

MR MS SHAH for MR SURESH M SHAH for Petitioner

MR TS SOMPURA, for Resp.1 - Absent

MR PREMAL JOSHI, ASSTT. GOVERNMENT PLEADER for Respondent No. 2

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 22/12/2000

ORAL JUDGEMENT

The grievance of the petitioner is that the respondent No.1 had erected a building for the purpose of

starting Primary Education classes in the neighbourhood of the petitioner school within a radius of one and a half kilometer, which was contrary to the provisions of the Bombay Primary Education Act and the Rules framed thereunder. According to the petitioner, the Director of Primary Education should take action in this regard against the respondent No.1. Till this matter is called out for hearing, there is nothing on record to indicate as to whether Primary Education classes have been started by the respondent No.1 contrary to the provisions of the Act or the Rules. The petitioner had not approached the respondent No.2 before filing of the petition to point out any breach of the provisions. The learned Counsel for the respondent No.2 authority submits that if any breach of the provisions has taken place and no action is yet taken, the authorities shall take appropriate steps in accordance with law. It will be open for the petitioner to point out such breaches to the respondent No.2 and the respondent No.2 shall look into the matter and take appropriate action in accordance with law expeditiously. Subject to this direction the petition is disposed of. Rule is discharged with no order as to costs.

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*/Mohandas